In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 2171 of 2007

Date of Decision: 12.2.2007

Joginder Singh

…Petitioner

Versus

Presiding Officer, Labour Court, Ambala and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. J.S. Cooner, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

The prayer made by the petitioner in this petition filed under Article 226 of the Constitution is for quashing order dated 11.2.2003 (P-1), passed by the Presiding Officer, Labour Court, Ambala, holding that the application filed by the petitioner-workman by invoking Section 33(C)(2) of the Industrial Disputes Act, 1947 (for brevity, 'the Act) is not maintainable for the reason that there was no existing right which came to be vested in the workman either under any settlement or an award or the provisions of Chapter V-A or V-B of the Act. The aforementioned findings have been recorded

under Issue No. 2 in para 15 of the order dated 11.2.2003 (P-1). It is further evident that the order dated 11.2.2003/25.2.2003 is sought to be challenged before this Court after a period of about four years. There is no explanation except the proverbial statement by the learned counsel that the petitioner-workman is a poor man.

After hearing learned counsel for the petitioner, we are of the considered view that there is no legal infirmity in the impugned order dated 11.2.2003, passed by the Labour Court. It is well settled that for maintaining an application under Section 33(C)(2) of the Act, pre-existing right is a sine-quo-non, which might have come to be vested in the workman by virtue of either an award or settlement or under the provisions of Chapter V-A or V-B of the Act. There is no merit in the petition. Dismissed.

(M.M. KUMAR)
JUDGE

(RAJESH BINDAL)
JUDGE

February 12, 2007

Pkapoor